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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,755	11/13/2003	Adrian C. Lane	25203B	7386

22889 7590 01/25/2007
OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/712,755

Applicant(s)

LANE ET AL.

Examiner

Steven D. Maki

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 5-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>111303</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1733

1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Martino et al

3) **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Martino et al (US 5,120,780).**

Martino et al discloses an aqueous composition comprising polyvinylacetate and an organosilane such as gamma-methacryloxypropyltriethoxy silane and 3-aminopropyltriethoxy silane. The composition may also include surfactants. Acetic acid is used to adjust the pH to 5 to 6.5.

As to claim 1, the claimed composition is anticipated by Martino et al's composition, which comprises polyvinylacetate, organosilane and water. The description of "CFM binder slurry [continuous mat binder slurry] for a continuous filament mat (5) used in a phenolic pultrusion system" in the preamble of claim 1 relates to intended use and fails to require a composition different from that disclosed by Martino et al.

Witucki et al

- 4) **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Witucki et al (US 4,818,779).**

Witucki et al teaches a composition comprising a water borne emulsion adhesive based on a poly(vinylacetate) resin and an adhesion promoter. The composition may include surfactants and defoamers. In the examples, Witucki et al describes using a polyvinylacetate emulsion adhesive having a pH of 4-5. Witucki et al teaches using the composition to bond substrates such as wood, paper, cloth, leather, ceramics, plastics and metals.

As to claim 1, the claimed composition is anticipated by Witucki et al's composition, which comprises polyvinylacetate, alkoxysilane and water. The description of "CFM binder slurry [continuous mat binder slurry] for a continuous filament mat (5) used in a phenolic pultrusion system" in the preamble of claim 1 relates to intended use and fails to require a composition different from that disclosed by Witucki et al.

- 5) **Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witucki et al in view of Martino et al.**

As to claims 2 and 3, it would have been obvious to one of ordinary skill in the art to include non-ionic surfactant, defoamer, water and an organic acid in Witucki et al's composition since (1) Witucki et al teaches using polyvinylacetate emulsion adhesive having a pH of 4-5 in the composition, (2) Martino et al suggests obtaining a desired pH of 2-7 (e.g. 5-6) for an aqueous composition comprising polyvinylacetate using acetic

Art Unit: 1733

acid (col. 6 lines 30-35), (3) Witucki suggests additionally including surfactants and defoamers in the composition (col. 4 lines 19-39); non-ionic surfactant being taken as well known / conventional type of surfactant.

6) Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Witucki et al in view of Reichel (US 3,665,027).

As to claim 4, it would have been obvious to one of ordinary skill in the art to use gamma-aminopropyl trimethoxy silane in Witucki et al's adhesive composition since (1) Witucki et al teaches using an adhesion promoter comprising alkoxy silane in the adhesive composition and (2) Reichel teaches gamma-aminopropylalkoxysilanes as being useful as primers and adhesives.

Remarks

7) Applicant's election with traverse of Group I claims 1-4 in the reply filed on 11-7-06 is acknowledged. The traversal is on the ground(s) that there is no undue burden. This is not found persuasive because the search for non-elected Group II but not elected Group I requires a search of pultrusion processes using both a sizing composition and a binder.

The requirement is still deemed proper and is therefore made FINAL.

8) No claim is allowed.

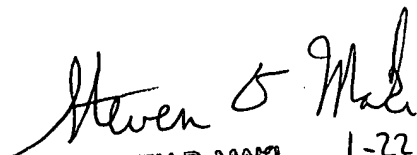
9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

Art Unit: 1733

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Maki
January 22, 2007


STEVEN D. MAKI
PRIMARY EXAMINER
1-22-07